

AMENDED IN SENATE APRIL 12, 2007

**SENATE BILL**

**No. 348**

**Introduced by Senator Migden**

(Principal coauthor: Assembly Member Jones)

February 20, 2007

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An act to add Section ~~405~~ *11401.3* to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as amended, Migden. Foster care: transition guardian.

Existing law provides that a child who has been abused or neglected may be adjudged a dependent child of the juvenile court, and authorizes the juvenile court to place dependent children in foster care according to specified procedures, *and authorizes the court to retain jurisdiction over the child until he or she attains the age of 21 years*. Existing law separately establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, aid is provided to foster children until 18 years of age, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements. Existing law provides for the Supportive Transitional Emancipation Program (STEP) under which emancipated foster youth up to 21 years of age are eligible to receive support while participating in an educational or training program, or any activity consistent with the youth's transitional independent living plan.

~~This bill would require the juvenile court to appoint a transition guardian to each minor in foster care who is between 16 and 18 years of age, inclusive, to assist the minor's transition to independence and to manage a state fund of vouchers and moneys on behalf of the minor, as individually appropriate. The vouchers and moneys would be distributed on a monthly basis until the minor reaches 24 years of age. The bill would require the minor, prior to reaching 18 years of age, to agree with the court on an independence plan. The bill would provide that the juvenile court shall have jurisdiction over the transition guardianship and shall administer the distribution of vouchers and moneys to the minor, to the extent that federal funding is made available for this purpose, allow an otherwise eligible foster youth who is over 18 years of age to elect to continue to receive AFDC-FC payments until he or she reaches 21 years of age, provided that the individual consents to remain in foster care placement.~~

*The bill would state the intent of the Legislature to establish alternative programs to assist foster youth in making the transition to self-sufficiency.*

*The AFDC-FC program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.*

*This bill would declare that no appropriation would be made for purposes of the bill.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

(a) In California, 65 percent of foster youth emancipate without a place to live, less than 3 percent of foster youth graduate from college, 51 percent of foster youth are unemployed within a short time after emancipating, and female foster youth are four times more likely to receive public assistance than the general population. In any given year, foster children comprise less than 0.3 percent of the state's population, yet it is estimated that 40 percent of homeless persons are former foster youth. A disproportionate number of foster youth alumni are represented in the prison population. In addition to the harm caused to the youth, there are substantial costs to the state associated with Temporary Assistance for Needy Families (TANF), prison, and health care.

(b) While foster children are emancipated from the system at 18 years of age and provided virtually no safety net, average youth in California do not reach self-sufficiency until 26 years of age, with their parents contributing over forty-four thousand dollars (\$44,000) during the transition period after 18 years of age.

(c) California has the legal responsibility for over 4,000 foster youth each year that turn 18 years of age and age out of the foster care system, and thus, the equivalent of a parental responsibility to provide financial and other support services as these youth transition to self-sufficiency.

~~(d) The Transition Guardian Program for foster youth will replicate the assistance that average parents provide to their children after turning 18 years of age.~~

*SEC. 2. Section 11401.3 is added to the Welfare and Institutions Code, to read:*

*11401.3. Notwithstanding Section 11401 or any other law, and to the extent that federal funding is made available for this purpose, an otherwise eligible foster youth over 18 years of age may elect to continue to receive AFDC-FC payments until he or she reaches 21 years of age, provided that the individual consents to remain in foster care placement.*

*SEC. 3. It is the intent of the Legislature to establish alternative programs to assist foster youth in making the transition to self-sufficiency.*

*SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made*

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

3 SEC. 5. No appropriation pursuant to Section 15200 of the  
4 Welfare and Institutions Code shall be made for purposes of this  
5 act.

6 SEC. 2. ~~Section 405 is added to the Welfare and Institutions~~  
7 ~~Code, to read:~~

8 405. (a) ~~The juvenile court shall appoint a transition guardian~~  
9 ~~to each minor in foster care between 16 and 18 years of age,~~  
10 ~~inclusive, to assist the minor's transition to independence and to~~  
11 ~~manage a state fund of vouchers and moneys on behalf of the~~  
12 ~~minor, as individually appropriate.~~

13 (b) ~~Prior to reaching 18 years of age, the minor shall agree with~~  
14 ~~the court on an independence plan.~~

15 (c) ~~For each minor, the fund shall be set at the median amount~~  
16 ~~average parents spend on their children after turning 18 years of~~  
17 ~~age. The vouchers and moneys shall be distributed on a monthly~~  
18 ~~basis until the minor reaches 24 years of age. The monthly~~  
19 ~~disbursements shall be graduated payments, larger in the first year,~~  
20 ~~and decreasing by a larger percentage each year.~~

21 (d) ~~An eligible minor may opt out of the program, but shall be~~  
22 ~~permitted to opt back in at least once.~~

23 (e) ~~The juvenile court shall have jurisdiction over the transition~~  
24 ~~guardianship and shall administer the distribution of vouchers and~~  
25 ~~moneys to the minor.~~